

Application No. 09/674,167
Amendment under 37 CFR 1.111
Reply to Office Action dated June 18, 2003
September 22, 2003

REMARKS

By this amendment, claims 42 and 43 have been cancelled and claims 28, 36 and 38 have been amended. Currently, claims 28-41 are pending in the application.

Claims 28-43 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 of U.S. Patent No. 6,168,863; or over claims 1-18 of U.S. Patent No. 6,200,481. Applicants hereby submit a Terminal Disclaimer to obviate the double patenting rejection over the prior patents. In view of this terminal disclaimer, it is submitted that the rejection under the doctrine of double patenting should be withdrawn.

Claims 28-43 were rejected under 35 USC 112, first paragraph, as based on a disclosure which was not believed to be enabling.

The Examiner stated that claims 28-43 fail to recite the essential limitation when the chelate-forming functional group is represented by "Formula 1" it includes "an amino group and at least two hydroxyl groups combined with carbon" (see page 9,

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lines 16-17 of the specification). By this amendment, claims 28, 36 and 38 have been amended to recite "having an amino group and at least two hydroxyl groups combined with carbon". The Examiner also stated that claims 42 and 43 are also not enabled by the disclosure, because these claims fail to recite the essential limitation that the chelate-forming filter produced by the process recited in these claims includes a functional group represented by either "Formula 1" or "formula 3" as disclosed on pages 9 and 10 of the specification. Since, claims 42 and 43 have been canceled, this rejection of claims 42 and 43 is now moot. It is respectfully submitted that this rejection should be withdrawn in view of these amendments.

Claims 28-43 were rejected under 35 USC 112, second paragraph, as being indefinite. The Examiner stated that claims 28-43 fail to recite the above noted essential limitations. Claims 28, 36 and 38 have been amended to recite "having an amino group and at least two hydroxyl groups combined with carbon". It is respectfully submitted that this rejection should be withdrawn in view of these amendments.

In view of foregoing claim amendments and remarks, it is respectfully submitted that the application is now in condition

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for allowance and an action to this effect is respectfully
requested.

If there are any questions or concerns regarding the
amendments or these remarks, the Examiner is requested to
telephone the undersigned at the telephone number listed below.

Respectfully submitted,



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